

FILED**United States District Court**

MAR 16 2006

MIDDLE

DISTRICT OF

ALABAMA

CLERK

U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.**UNITED STATES OF AMERICA****CRIMINAL COMPLAINT**

v.

CASE NUMBER: 1:06mj31-DRB

MICHAEL D. HARVEY

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 31, 2005 in Dale county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

cross a state line with intent to engage in a sexual act with a person who has not attained the age of 12 years or did engage in a sexual act with a person who has not attained the age of 12 years within the special maritime and territorial jurisdiction of the United States,

in violation of Title 18 United States Code, Section(s) 2241(c).

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

March 16, 2006

Date

at Montgomery, Alabama

City and State

DELORES R. BOYD, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

State of Alabama
County of Houston
Middle District of Alabama

AFFIDAVIT

I, Steven Zeringue, a Special Agent with the Federal Bureau of Investigation (FBI),
United States Department of Justice, having been duly sworn, state:

1. I am a Special Agent with the FBI and have been so employed for the past 2 ½ years.
As a Special Agent with the FBI, I have investigated numerous cases involving Child
Pornography and Child Exploitation matters;

2. This affidavit is being made in support of a Complaint and arrest warrant for **Michael D. Harvey**, white, male, date of birth December 20, 1986, Social Security Account Number 428-61-4357. **Michael D. Harvey** resides at 64 Highway 590 West, Seminary, Mississippi. The information contained in this affidavit is based upon my own investigation and experience, as well as information provided by other law enforcement officials, including Fort Rucker CID Special Agent Thomas Fogger, Camp Shelby CID Special Agent Ryan Bostain, and Sheriff's Deputy Chris Newman of the Covington County Sheriff's Department.

3. Based upon my investigation, your Affiant believes probable cause exists to show that **Michael D. Harvey** has violated Title 18, United States Code, Sections 2241(c). This federal criminal statute prohibits anyone from crossing a state line with intent to engage in a sexual act with a person who has not attained the age of 12 years. In addition, it prohibits anyone from engaging in a sexual act with a person who has not attained the age of 12 years within the special maritime and territorial jurisdiction of the United States. Importantly, Fort Rucker, Alabama, is within the special maritime and territorial jurisdiction of the United States because it is a United States military installation.

4. During the course of this investigation, **Michael D. Harvey** made a sworn rights advised statement to Special Agent Ryan Bostain and Deputy Sheriff Chris Newman. In his statement, **Michael D. Harvey** admitted that on October 31, 2005, he arrived at his sister's house located on Ft. Rucker, Alabama. His sister, Charla Moore, resides at 133 Red Cloud Road, Fort Rucker, Alabama and has a minor child approximately 5 years of age, hereinafter "John Doe." According to his sworn statement, **Michael D. Harvey** was alone with John Doe on October 31, 2005. Sometime on October 31, 2005, **Michael D. Harvey** put John Doe's hands on his (**Harvey's**) penis. **Michael D. Harvey** then made John Doe "squeeze and rub" his (**Harvey's**) penis for several minutes.

5. Furthermore, according to **Michael D. Harvey's** statement to law enforcement, on November 22, 2005, **Michael D. Harvey** was at his sister's residence on Ft. Rucker, Alabama. During this visit, **Michael D. Harvey** overheard John Doe "acting up, when he should have been napping." **Michael D. Harvey** admitted to entering John Doe's bedroom, and to putting his hand on John Doe's leg, then sliding his hand down John Doe's pants onto John Doe's penis. **Michael D. Harvey** then admitted to "squeezing and rubbing John Doe's penis for about five minutes."

6. Furthermore, according to **Michael D. Harvey**, on November 23, 2005, at about 1:00 P.M., he went into John Doe's room and placed him on the bed. Once on the bed, **Michael D. Harvey** placed his hand inside John Doe's pants and "squeezed and rubbed John Doe's penis for about two or three minutes."


7. Furthermore, according to **Michael D. Harvey**, on November 23, 2005, at about 1:30 P.M., both he and John Doe were in the living room sitting on the couch when he, **Michael D. Harvey**, slid his hands down John Doe's pants and he began "squeezing and rubbing John Doe's penis for about five minutes."

8. Furthermore, according to **Michael D. Harvey**, on November 23, 2005, the family ate dinner around 6:00 or 7:00 P.M.. About an hour after dinner, **Michael D. Harvey** went into John Doe's bedroom placed his hands inside John Doe's pants. **Michael D. Harvey** again "squeezed and rubbed John Doe's penis for a couple of minutes."

9. Finally, during the course of my investigation, the parents of John Doe were interviewed. Your Affiant has confirmed that **Michael D. Harvey** was indeed staying at their home at all times during the aforementioned sexual contact with 5 year old John Doe.

CONCLUSIONS

Based upon the foregoing, your Affiant has probable cause to believe that Michael D. Harvey has violated Title 18, United States Code, sections 2241(c) because he either crossed a state line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or he engaged in a sexual act with a person who has not attained the age of 12 years within the special maritime and territorial jurisdiction of the United States.


Special Agent Steven Zeringue
Federal Bureau of Investigation

Sworn to and subscribed
before me this 16th
day of March, 2006


United States Magistrate Judge